

By

B. Groh

S.B. No. 1369

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of certain licensed dietitians' services in health insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, Speech-language Pathologist, [and] Doctor in Psychology, and Licensed Dietitian.

For purposes of this Act, such designations shall have the following meanings:

1 Doctor of Medicine: One licensed by the Texas State Board of
2 Medical Examiners on the basis of the degree "Doctor of Medicine";

3 Doctor of Osteopathy: One licensed by the Texas State Board
4 of Medical Examiners on the basis of the degree of "Doctor of
5 Osteopathy";

6 Doctor of Dentistry: One licensed by the State Board of
7 Dental Examiners;

8 Doctor of Chiropractic: One licensed by the Texas Board of
9 Chiropractic Examiners;

10 Doctor of Optometry: One licensed by the Texas State Board
11 of Examiners in Optometry;

12 Doctor of Podiatry: One licensed by the State Board of
13 Chiropody Examiners;

14 Audiologist: One with a master's or doctorate degree in
15 audiology from an accredited college or university and who is
16 certified by the American Speech-language and Hearing Association;

17 Speech-language Pathologist: One with a master's or
18 doctorate degree in speech pathology or speech-language pathology
19 from an accredited college or university and who is certified by
20 the American Speech-language and Hearing Association; [and]

21 Doctor in Psychology: One licensed by the Texas State Board
22 of Examiners of Psychologists and certified as a Health Service
23 Provider; and

24 Licensed Dietitian: One licensed by the Texas State Board of
25 Examiners of Dietitians.

26 SECTION 2. Section 2, Chapter 397, Acts of the 54th
27 Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code),

1 is amended by adding Subsection (H) to read as follows:

2 (H) An individual or group policy of accident or sickness
3 insurance delivered or issued for delivery in this state may not
4 exclude or deny coverage for services performed by a licensed
5 dietitian, or by a provisional licensed dietitian under the
6 supervision of a licensed dietitian, and may not refuse payment and
7 reimbursement for charges for those services if the services are:

8 (1) within the scope of the licensed dietitian's license;

9 (2) related to an injury or illness covered by the policy;

10 and

11 (3) provided under a professional recommendation by a doctor
12 of medicine or doctor of osteopathy whose treatment or examination
13 for the injury or illness would be covered by the policy and would
14 be payable or reimbursable under the policy.

15 SECTION 3. Sections 1 and 3, Article 21.52, Insurance Code,
16 are amended to read as follows:

17 Sec. 1. DEFINITIONS. As used in this article:

18 (a) "health insurance policy" means any individual, group,
19 blanket, or franchise insurance policy, insurance agreement, or
20 group hospital service contract, providing benefits for medical or
21 surgical expenses incurred as a result of an accident or sickness;

22 (b) "doctor of podiatric medicine" includes D.P.M.,
23 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

24 (c) "doctor of optometry" includes optometrist, doctor of
25 optometry, and O.D.;

26 (d) "doctor of chiropractic" means a person who is licensed
27 by the Texas Board of Chiropractic Examiners to practice

1 chiropractic;

2 (e) "licensed dentist" means a person who is licensed to
3 practice dentistry by the State Board of Dental Examiners;

4 (f) "audiologist" means a person who has received a master's
5 or doctorate degree in audiology from an accredited college or
6 university and is certified by the American Speech-language and
7 Hearing Association; [and]

8 (g) "speech-language pathologist" means a person who has
9 received a master's or doctorate degree in speech-language
10 pathology from an accredited college or university and is certified
11 by the American Speech-language and Hearing Association to restore
12 speech loss or correct a speech impairment;

13 (i) "licensed dietitian" means a person who is licensed by
14 the Texas State Board of Examiners of Dietitians.

15 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
16 issued, who is a party to, or who is a beneficiary under any health
17 insurance policy delivered, renewed, or issued for delivery in this
18 state by any insurance company, association, or organization to
19 which this article applies may select a licensed doctor of
20 podiatric medicine, a licensed dentist, or a doctor of chiropractic
21 to perform the medical or surgical services or procedures scheduled
22 in the policy which fall within the scope of the license of that
23 practitioner, a licensed doctor of optometry to perform the
24 services or procedures scheduled in the policy which fall within
25 the scope of the license of that doctor of optometry, an
26 audiologist to measure hearing for the purpose of determining the
27 presence or extent of a hearing loss and to provide aural

1 rehabilitation services to a person with a hearing loss if those
2 services or procedures are scheduled in the policy, [er] a
3 speech-language pathologist to evaluate speech and language and to
4 provide habilitative and rehabilitative services to restore speech
5 or language loss or to correct a speech or language impairment if
6 those services or procedures are scheduled in the policy, or a
7 licensed dietitian including a provisional licensed dietitian under
8 a licensed dietitian's supervision to provide the services that
9 fall within the scope of the license of that dietitian if those
10 services are scheduled in the policy. The payment or reimbursement
11 by the insurance company, association, or organization for those
12 services or procedures in accordance with the payment schedule or
13 the payment provisions in the policy shall not be denied because
14 the same were performed by a licensed doctor of podiatric medicine,
15 a licensed doctor of optometry, a licensed doctor of chiropractic,
16 a licensed dentist, an audiologist, [er] a speech-language
17 pathologist, or a licensed dietitian. There shall not be any
18 classification, differentiation, or other discrimination in the
19 payment schedule or the payment provisions in a health insurance
20 policy, nor in the amount or manner of payment or reimbursement
21 thereunder, between scheduled services or procedures when performed
22 by a doctor of podiatric medicine, a doctor of optometry, a doctor
23 of chiropractic, a licensed dentist, an audiologist, [er] a
24 speech-language pathologist, or a licensed dietitian which fall
25 within the scope of his license or certification and the same
26 services or procedures when performed by any other practitioner of
27 the healing arts whose services or procedures are covered by the

1 policy. Any provision in a health insurance policy contrary to or
2 in conflict with the provisions of this article shall, to the
3 extent of the conflict, be void, but such invalidity shall not
4 affect the validity of the other provisions of this policy. Any
5 presently approved policy form containing any provision in conflict
6 with the requirements of this Act shall be brought into compliance
7 with this Act by the use of riders and endorsements which have been
8 approved by the State Board of Insurance or by the filing of new or
9 revised policy forms for approval by the State Board of Insurance.

10 SECTION 4. This Act takes effect September 1, 1987, and
11 applies only to a health insurance policy that is delivered, issued
12 for delivery, or renewed on or after January 1, 1988. A health
13 insurance policy that is delivered, issued for delivery, or renewed
14 before September 1, 1987, is governed by the law that existed at
15 the time the policy was delivered, issued for delivery, or renewed,
16 and that law is continued in effect for that purpose. A health
17 insurance policy that is delivered, issued for delivery, or renewed
18 after August 31, 1987, but before January 1, 1988, is governed by
19 the law that existed immediately before the effective date of this
20 Act and that law is continued in effect for that purpose.

21 SECTION 5. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 2, 1987

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1369
By: Brooks

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1369 (relating to the inclusion of certain licensed dietitians' services in health insurance coverage) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, HES, JWH, MC

MAR 31 9 26 AM '87
RECEIVED
SECRETARY OF SENATE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 11, 1987

TO: Honorable O. H. "Ike" Harris, Chairman In Re: Committee Substitute for
Committee on Economic Development Senate Bill No. 1369
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1369 (relating to the inclusion of certain licensed dietitians' services in health insurance coverage) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, HES, JWH, LV

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

May 4, 1987
(date)/(time)

Sir:

We, your Committee on ECONOMIC DEVELOPMENT to which was referred
SB 1369 by Brooks- have on 514, 1987, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass as substituted, and be printed
() the caption remained the same as original measure
() the caption changed with adoption of the substitute

() do pass as substituted, and be ordered not printed

() and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes () no

A revised fiscal note was requested. ☒ yes () no

An actuarial analysis was requested. () yes ☒ no

Considered by subcommittee. () yes ☒ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Harris, Chairman	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Glasgow, Vice Chairman	<input checked="" type="checkbox"/>			
Anderson	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Blake	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Green	<input checked="" type="checkbox"/>			
Henderson	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jones	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Leedom	<input checked="" type="checkbox"/>			
Montford	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	1	1	4

Carol Wilks-
COMMITTEE CLERK

Harris
CHAIRMAN

per clip the original and one copy of this form along with TWO copies of the Committee Substitute to the original bill and
in one copy for Reporting Committee file.

FILE

7067

By: Brooks

BILL ANALYSIS

S.B. 1369

BACKGROUND:

Dietitians perform a variety of services related to health care. Although the services of licensed dietitians as recommended by a physician are covered by some insurance policies, Article 3.70-2, Insurance Code, does not include licensed dietitians in the list of designated practitioners approved for payment of benefits in accident and sickness policies. S.B. 1369 would include licensed dietitians as designated practitioners in the Insurance Code, thus requiring insurers to indicate whether they will cover specific dietitian services in offered coverage. This bill would encourage more comprehensive coverage for Texas insureds.

PURPOSE:

As proposed, S.B. 1369 includes certain services of licensed dietitians in health insurance coverage.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Subsection (B), Article 3.70-2, Insurance Code, to include "Licensed Dietitian" as a designated practitioner approved for payment of benefits in accident and sickness insurance policies. Defines "Licensed Dietitian."

SECTION 2. Amends Article 3.70-2, Insurance Code, by adding Subsection (H), which provides for the payment of health policy benefits for licensed dietitian services within the scope of the dietitian's license and according to the recommendation of a physician covered under the policy.

SECTION 3. Amends Sections 1 and 3, Article 21.52, Insurance Code. Defines "licensed dietitian." Allows insureds to select a licensed dietitian's services if such services are scheduled in the policy.

SECTION 4. Effective date. September 1, 1987. Makes Act applicable to policies issued or renewed on or after January 1, 1988. Provides that policies issued or renewed before September 1, 1987 are subject to the laws in effect at the time of issuance or renewal. Provides that policies issued or renewed after August 1, 1987 and before January 1, 1988 are subject to the law existing immediately before passage of this Act.

SECTION 5. Emergency clause.

S. B. No.

1369

By

Book

AN ACT relating to the inclusion of certain licensed dietitians' services in health insurance coverage.

Filed with the Secretary of the Senate

APR 1 1987

Read and referred to Committee on ECONOMIC DEVELOPMENT

MAY 4 1987

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ yeas, ____ nays

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of ____ yeas, ____ nays.

Read third time, _____, and passed by ____ yeas, ____ nays.

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ yeas, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas, ____ nays ____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record-Vote of

____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

203